

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. RUBEN

Appl. No.: 10/662,429

Filed: September 16, 2003

For: **Apoptosis Inducing Molecule I**

Confirmation No.: 2663

Art Unit: 1644

Examiner: HUYNH, PHUONG N.

Atty. Docket: 1488.1890003/EJH/SAC

**Supplementary Declaration of Timothy Coleman
Ruben Exhibit #143**

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Filed on Behalf of Party Ruben

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UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**
(Administrative Patent Judge Sally Gardner Lane)

STEVEN M. RUBEN

Junior Party,
(Application 08/816,981),

v.

STEVEN R. WILEY and RAYMOND G. GOODWIN

Senior Party,
(Patent No. 5,763,223).

Patent Interference No. 105,077

SUPPLEMENTARY DECLARATION OF TIMOTHY A. COLEMAN

Ruben EXHIBIT 2143
Ruben v. Wiley et al.
Interference No. 105,077
RX 2143

SUPPLEMENTARY DECLARATION OF TIMOTHY A COLEMAN

I, Timothy A. Coleman, hereby declare and state as follows:

1. From March 1993 to November 2001, I was employed by Human Genome Sciences, Inc. (HGS). During the time period discussed below, I held the position of Scientist in the HGS Protein Expression and Purification Department, working under the supervision of Dr. Reiner Gentz.

2. At ¶ 3 of my Declaration of 23 June 2004 (RE64), I described a pulse-labeling experiment that I performed using Sf9 insect cells. As indicated in ¶¶ 3 - 5 of my Declaration of 23 June 2004, this pulse-labeling experiment involved infection of Sf9 insect cells with recombinant baculovirus expressing AIM-I constructs identified as FAS-51 and FAS-185, followed by incubation of the infected cells in growth medium containing ³⁵S-methionine and ³⁵S-cysteine. Both of these stocks of recombinant baculoviruses were provided to me by Solange Gentz. The preparation of those stocks of recombinant baculoviruses by Solange Gentz is described in her Declaration (RE68) and her notebook number 279 (see RE69 at pages 2, 4, 5, 9, 12, 15, 17, 18, 22, 24, 25, 26, 28, 31, 33, 34, 36, 38, 39, and 42, and RX 2068). The cited pages describe Solange Gentz's preparation of stocks of recombinant baculoviruses expressing the "HTPAN08204 - 51bp" and "HTPAN08204 - 185bp" AIM-I constructs, which I have referred to as FAS-51 and FAS-185, respectively, and which I used in my pulse-labeling experiment that I described in my 24 June 2004 Declaration.

3. As indicated at ¶ 4 of my Declaration of 24 June 2004, I lysed the ³⁵S-labeled Sf9 cells and I loaded each of the resulting ³⁵S-labeled samples into a separate lane of the 15% SDS-PAGE gel used for analysis. At page 111 of my notebook number

258 (RE65), I recorded the order and the number of the lane in which I loaded each of the samples on the gel. Copies of two autoradiogram exposures of that gel are presented as RE66 and discussed in ¶¶ 8-9 of my Declaration of 24 June 2004 (RE64). The bands seen on the copies of the autoradiograms indicate the molecular weight of the proteins that had been metabolically labeled with ³⁵S-methionine and ³⁵S-cysteine in the Sf9 cells. Based upon my knowledge and experience, and particularly upon my familiarity with the banding pattern seen with uninfected Sf9 cells in this type of pulse-labeling experiment, I conclude that the Sf9 cells analyzed in the lane identified with the circled number 2 on the autoradiogram labeled "-70°C (42 hrs)" had not been infected with a recombinant baculovirus containing the HTPAN08 cDNA. The other four lanes of this gel labeled HTPAN08Fas Ligand (*i.e.* the two lanes to the left and the two lanes to the right of the lane labeled with the circled number 2, and the corresponding lanes on the long exposure (-70°C, 100 hrs.)) reflect the labeling pattern of Sf9 cells infected with the exogenous recombinant baculoviruses containing the HTPAN08 cDNA identified on page 111 of my notebook number 258 (RE65).

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application captioned above or any patent issuing thereupon.

Date:

7/15/04

Timothy A. Coleman